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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,956	11/24/2003	Donna K. Hodges	BS030351	5283
<div>7590 Scott P. Zimmerman P.O. Box 3822 Cary, NC 27519</div> <div>07/31/2007</div>				
			<div>EXAMINER LIM, KRISNA</div>	
			<div>ART UNIT 2153</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 07/31/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/720,956		HODGES ET AL.	
	Examiner		Art Unit	
	Krisna Lim		2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-20 are presented for examination.
2. The title of the invention is neither descriptive nor precise. A new title is required which should include, using twenty words or fewer, claimed features that differentiate the invention from the Prior Art. The title should reflect the gist of or the improvement of the present invention.
3. The disclosure is objected to because of the following informalities:
 - (a) On pages 2-3, the text of the first paragraph should be updated with the current status of the cited applications such as U.S. Patent Application Serial No., a filing date, U.S. Patent No., and the issued date. Appropriate correction is required.
4. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.
5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over Boden et al [U.S. Patent No. 6,978,308] in view of Zakurdaev et al [U.S. Pub. 2002/0073182]

Boden disclosed (e.g., see Figs. 1-5) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference disclosed a method of providing communications services, comprising the steps of: a) communicating a request for

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communications service from the client (e.g., 10 of figs. 1-2, 5, the abstract (lines 1-3), col. 1 (lines 28-38)) communications device to a service provider (e.g., 12 of figs 1-2 and 5, the abstract (lines 1-3), col. 1 (lines 28-38)), the service provider providing access to at least one of the multiple communications networks (e.g., see the abstract, cols. 1-3); b) negotiating (e.g., see 70 of fig. 3, col. 2 (line 30)) with the at least one service provider for access to at least one of the multiple communications networks (e.g., see the abstract, cols. 1-3); and c) receiving communications service from the at least one service provider via at least one of the multiple communications networks (e.g., see the abstract, col. 1 (lines 28-38)).

7. While Boden disclosed a communication network including a plurality of nodes, selectively including a client, the ISP, etc., Boden did not explicitly mention that his communication network was discovered and available to a client. Zakurdaev, on the other hand, clearly disclosed the feature of discovering multiple communications network available to a client communications device (e.g., see § 34-38).

As suggested by Zakurdaev (e.g., see § 11-12), it is desirable to have a system that supports automatic generation of a user selected ISP IP address and delivery of the same to the user's terminal for automatic loading/installation. And, since both of Boden and Zakurdaev are directed a method of providing communications services between a service provider (ISP) and the client (user terminal), it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Zakurdaev into Boden's system

so that the automatic generation of a user selected ISP IP address and delivery of the same to the user's terminal for automatic loading/installation can be achieved.

8. As to claim 2, Zakurdaev disclosed the step of discovering multiple communications networks comprises discovering at least one of i) a wireline network available to the client communications device and ii) a wireless network available to a client communications device (e.g., see § 33).

9. As to claim 3, Zakurdaev disclosed the step of discovering multiple communications networks (e.g., see 320, 328 and 340 of fig. 3) comprises discovering, on demand, the multiple communications networks available to a client communications device.

10. As to claim 4, Zakurdaev disclosed the step of communicating the request for communications service to multiple service providers (e.g., see ISP 344, 348, 352), each service provider providing access to at least one of the multiple communications networks.

11. As to claim 5, Zakurdaev disclosed the step of communicating the request for communications service to the multiple service providers comprises communicating the request to at least one of i) a wireline network service provider (e.g., see 320 of fig. 3, § 33) and ii) a wireless network service provider (e.g., see 328 of fig. 3, § 33).

12. As to claim 6, Examiner respectfully took an official notice that such i) a service provider providing access to a cellular network, ii) a service provider providing access to an I.E.E.E. 802 wireless network, iii) a service provider providing access to a radio frequency (RF) wireless network, iv) a service provider providing access to an Industrial, Scientific, and Medical (ISM) wireless network, v) a service provider providing access to an infrared (IR) wireless network, and vi) a service provider providing access to a wireless network using another portion of the electromagnetic spectrum are well known in the art at the time the invention was made.

13. As to claims 7-11, Boden disclosed the step negotiating (e.g., see 70 of fig. 3, col. 2 (line 30)) with the at least one service provider for access to at least one of the multiple communications networks (e.g., see the abstract, cols. 1-3), Boden did not explicitly detail that his negotiation comprising the step of: a) receiving a bid from the at least one service provider to fulfill the request for communications service; b) communicating a preferred scenario of segmentation, dispersion, and assemblage of electronic data when fulfilling the request for communications service; c) communicating a competitive indication of the multiple communications networks that are available to the client communications device; d) communicating at least one of i) a price above which communications service will be denied, ii) a date by which the request for communications service should be fulfilled, iii) a time by which the request for communications service should be fulfilled, and iv) formatting for the requested

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communications service; and f) receiving at least one of i) a price for utilizing the at least one multiple communications networks, ii) a date that the request for communications service will be fulfilled, and iii) a time that the request for communications service will be fulfilled. It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that detail of how to negotiate for accessing to the communications network would have been a matter of programming choice.

14. Claims 12-19 are similar in scope as of claims 1-11, and therefore claims 1-11 are rejected for the same reasons set forth above for claims 1-11.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

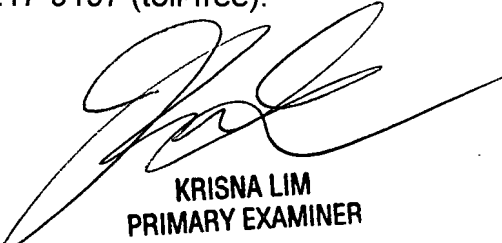
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

July 22, 2007



KRISNA LIM
PRIMARY EXAMINER